



PATENT  
ATTORNEY DOCKET NO.: 041514-5120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Atsushi YAMAGUCHI et al. )  
)  
Application No.: 09/855,753 )  
)  
Filed: May 16, 2001 )  
)  
For: OPTICAL INFORMATION RECORDING )  
APPARATUS )

Group Art Unit: 2651  
Examiner: Unassigned

Commissioner for Patents  
**BOX MISSING PARTS**  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed July 12, 2001.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

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3. English Translation of Non-English Language Papers

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

4. Small Entity Status

- ☐ Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

5. Fee Calculation

			Basic Fee:	710.00
			Patent Application-\$710.00	
			Design Application-\$320.00	
	Number Filed	Number Extra	at a Rate of	
Total Claims	6 - 20 =		\$ 18.00 each=	
Independent Claims	1 - 3 =		\$ 80.00 each=	
Multiple dependent claim(s), if any			\$270.00	
Missing Parts Surcharge Fee			\$130.00	130.00
<b>SUB-TOTAL =</b>				<b>840.00</b>
Reduction by 1/2 for filing by a small entity				
<b>SUB-TOTAL =</b>				<b>840.00</b>
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	
<b>TOTAL FILING FEE =</b>				<b>\$840.00</b>

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$195.00
<input type="checkbox"/> three months	\$ 890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00
<input type="checkbox"/> five months	\$1,890.00	\$945.00

Extension of time fee due with this request: \$

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is: Completion Fees \$840.00  
Extension Fees \$  
Assignment \$ 40.00  
Total Fee Due \$880.00

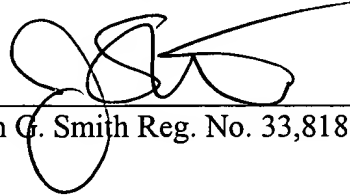
- ☒ Enclosed is a check in the amount of \$880.00 representing the total fee due and the assignment recordation fee.
- ☐ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☒ Claim for Priority
- ☒ Certified copy of Japanese Application No. 2000-148811  
filed May 19, 2000
- ☒ Formal Drawings – 11 sheets containing 51 figures
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or  
amendment pertaining thereto for biotechnology invention containing  
nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



John G. Smith Reg. No. 33,818

Date: September 10, 2001

**CUSTOMER NO. 09629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
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Telephone: (202) 467-7000  
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FOOTED "ES25350"



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/855,753	05/16/2001	Atsushi Yamaguchi	041514-5120

009629  
MORGAN, LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON, DC 20036-5869

CONFIRMATION NO. 8862

## FORMALITIES LETTER



\*OC000000006289522\*

Date Mailed: 07/12/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 840.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

09/12/2001 HVUONG1 00000041 09855753

02 FC:101 710.00 OP  
03 FC:105 130.00 OP

*A copy of this notice **MUST** be returned with the reply.*

CV.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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Atsushi YAMAGUCHI et al.

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### **SUBMISSION OF FORMAL DRAWINGS**

Filed herewith are eleven (11) sheets of formal patent drawings containing fifty-one (51) figures. It is requested that these drawings be approved and made part of the official record in the above-identified patent application.

If there are any fees due in connection with the filing of these drawings, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

John G. Smith Reg. No. 33,818

Dated: September 10, 2001  
Customer No. 009629  
**MORGAN, LEWIS AND BOCKIUS LLP**  
**1800 M STREET, N.W.**  
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